

IC ON THE RECORD



Keynote Address by General Keith Alexander, Director, National Security Agency, Black Hat USA 2013

July 31, 2013

STAFF: Without further ado, let's welcome General Alexander to the stage. (Applause.)

GENERAL KEITH ALEXANDER: Well, Trey and Jeff, thanks. Thanks for that introduction.

I think what they said to start out with is the reason I'm here. This is the technical foundation for our world's communications, you folks right here, and the issue that stands before us today is one of what do we do next, how do we start this discussion on defending our nation and protecting our civil liberties and privacy.

The reason I'm here is because you may have some ideas of how we can do it better. We need to hear those ideas.

But equally important, from my perspective, is that you get the facts. And so what I'm going to do today is try to lay out those facts.

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Hearing of the Senate Judiciary Committee on Strengthening Privacy Rights and National Security: Oversight of FISA (Foreign Intelligence Surveillance Act) Surveillance Programs

July 31, 2013

Chaired by: *Senator Patrick Leahy (D-VT)*

Witnesses:

Deputy Attorney General James Cole;

John C. Inglis, Deputy Director, National Security Agency;

Robert S. Litt, General Counsel, Office of the Director of National Intelligence;

Sean M. Joyce, Deputy Director, Federal Bureau of Investigation

SENATOR PATRICK LEAHY (D-VT): Good morning. Today the Judiciary Committee will scrutinize government surveillance programs conducted under the Foreign Intelligence Surveillance Act, or FISA.

In the years since September 11th, Congress has repeatedly expanded the scope of FISA, has given the government sweeping new powers to collect information on law-abiding Americans. And we must carefully consider now whether those laws may have gone too far.

Last month many Americans learned for the first time that one of these authorities, Section 215 of the USA Patriot Act, has for years been secretly interpreted — secretly interpreted — to authorize the collection of Americans' phone records on an unprecedented scale. Information was also leaked about Section 702 of FISA, which authorizes the

NSA to collect communications of foreigners overseas.

Now first, I'd make it very clear I do not condone the way these and other highly classified programs were disclosed, and I'm concerned about the potential damage to our intelligence-gathering capabilities and national security. It is — it's appropriate to hold people accountable for allowing such a massive leak to occur. We need to examine how to prevent this type of breach in the future.

In the wake of these leaks, the president said this is an opportunity to have an open and thoughtful debate about these issues, and I welcome that statement because this is a debate that several of us on this committee, in both parties, have been trying to have for years. Like so many others, I'll get the classified briefings, but then of course you can't talk about them. There's a lot of these things that should be and can be discussed. And if we're going to have the debate that the president called for, the executive branch has to be a full partner. We need straightforward answers.

I'm concerned we're not getting them. Just recently the director of national intelligence acknowledged he provided false testimony about the NSA surveillance program during a Senate hearing in March, and his office had to remove a fact sheet from its website after concerns were raised about its accuracy. And I appreciate it's difficult to talk about classified programs in public settings, but the American people expect and deserve honest answers.

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NSA Press Statement on 30 July 2013

As the IC and NSA have stated previously, the implication that NSA's collection is arbitrary and unconstrained is false. NSA's activities are focused and specifically deployed against - and only against - legitimate foreign intelligence targets in response to requirements that our leaders need for information necessary to protect our nation and its interest. Public release of this classified material about NSA collection systems, without context, does nothing more than jeopardize sources and methods, and further confuse a very important issue for the country. Although it is impossible to provide full details of classified programs and still have them remain effective, we offer the following points for clarification:

1. XKEYSCORE is used as part of NSA's lawful foreign signals intelligence collection system. By the nature of NSA's mission, which is the collection of foreign intelligence, all of our analytic tools are aimed at information we collect pursuant to lawful authority to respond to foreign intelligence requirements - nothing more.
2. Allegations of widespread, unchecked analyst access to NSA collection data are simply not true. Access to XKEYSCORE, as well as all of NSA's analytic tools, is limited to only those personnel who require access for their assigned tasks. Those personnel must complete appropriate training prior to being granted such access - training which must be repeated on a regular basis. This training not only covers the mechanics of the tool but also each analyst's ethical and legal obligations. In addition, there are multiple technical, manual and supervisory checks and balances within the system to prevent deliberate misuse from occurring.
3. Our tools have stringent oversight and compliance mechanisms built in at several levels. One feature is the system's ability to limit what an analyst can do with a tool, based on the source of the collection and each analyst's defined responsibilities. Not every analyst can perform every function, and no analyst can operate freely. Every search by an NSA analyst is fully auditable, to ensure that they are proper and within the law.

These types of programs allow us to collect the information that enables us to perform our missions successfully - to defend the nation and to protect US and allied troops abroad. (For example, as of 2008, there were over 300 terrorists captured using intelligence generated from XKEYSCORE.)

Continuous and selective revelations of specific techniques and tools used by NSA to pursue legitimate foreign intelligence targets is detrimental to the national security of the United States and our allies, and places at risk those we are sworn to protect - our citizens, our war fighters, and our allies.

Via [NSA.gov](#)

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OFFICIAL STATEMENT

DNI Clapper: Defunding FISA Business Records Program risks dismantling important intelligence tool

July 24, 2013

As the House of Representatives prepares to vote today on legislation to limit the authority exercised by the National Security Agency pursuant to the Foreign Intelligence Surveillance Act and court order, I join others who caution that acting in haste to defund the FISA Business Records program risks dismantling an important intelligence tool.

I support the positions of the House Intelligence Committee Chairman and Ranking Member, as well as that of the Senate Intelligence Committee Chairman and Vice Chairman, in their call for an open and candid discussion about foreign surveillance authorities and careful consideration of the potential effect of limiting the Intelligence Community's capabilities under these authorities.

As the head of the Intelligence Community, my top priority is to provide policy makers the most meaningful intelligence possible while always abiding by the rule of law and respecting the civil liberties and privacy of every American. I remain hopeful that as we continue to discuss foreign intelligence activities in Congress and across the nation, we will make decisions that address the concerns of the public while preserving our ability to protect our nation.

James R. Clapper
Director of National Intelligence

Via DNI.gov

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Statement by the White House Press Secretary on the Amash Amendment

July 23, 2013

In light of the recent unauthorized disclosures, the President has said that he welcomes a debate about how best to simultaneously safeguard both our national security and the privacy of our citizens. The Administration has taken various proactive steps to advance this debate including the President's meeting with the Privacy and Civil Liberties Oversight Board, his public statements on the disclosed programs, the Office of the Director of National Intelligence's release of its own public statements, ODNI General Counsel Bob Litt's speech at Brookings, and ODNI's decision to declassify and disclose publicly that the Administration filed an application with the Foreign Intelligence Surveillance Court. We look forward to continuing to discuss these critical issues with the American people and the Congress.

However, we oppose the current effort in the House to hastily dismantle one of our Intelligence Community's counterterrorism tools. This blunt approach is not the product of an informed, open, or deliberative process. We urge the House to reject the Amash Amendment, and instead move forward with an approach that appropriately takes into account the need for a reasoned review of what tools can best secure the nation.

Via Whitehouse.gov

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Chairman Mike Rogers and Ranking Member Dutch Ruppersberger Urge Support of Important NSA Counterterrorism Tool

July 23, 2013

To address concerns expressed by the public and Members of Congress, the House Intelligence Committee is reviewing potential changes to the Foreign Intelligence Surveillance Act (FISA). Any modifications should be enacted carefully and thoroughly, while ensuring that our Intelligence Community retains the tools it needs to protect America.

An amendment to H.R. 2397, the Fiscal Year 2014 Defense Appropriations bill, to require additional certifications by the Foreign Intelligence Surveillance Court (FISC) would undermine a valuable collection tool initiated in 2001 and which Congress has voted to reauthorize multiple times with bipartisan support, most recently in 2011. The collection tool has been integral in preventing multiple terrorist attacks, including a plot to attack on the New York Stock Exchange in 2009. If enacted, this amendment would have an immediate – and potentially fatal – operational impact, and make America more vulnerable to terrorist attacks.

We must provide our Intelligence Community the capabilities necessary to defend America and its citizens, while having a robust dialogue to develop improvements to our FISA authorities. Article I of our Constitution charges Congress with providing for the common defense. We must continue to do so. Premature reactions to the recent intelligence leaks would endanger our national security. We cannot afford to make that mistake.

Via [Intelligence.house.gov](http://intelligence.house.gov)

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Feinstein / Chambliss Joint Statement on House Amendment on Phone Records Program

July 23, 2013

The FISA business records program has contributed to disrupting numerous terrorist attacks against our nation. It has been reviewed and authorized by all three branches of government and is subject to strict controls.

Since the public disclosure of the business records program, the Senate Select Committee on Intelligence has explored how the program can be modified to add extra privacy protections without sacrificing its effectiveness.

We believe this debate in the Congressional Intelligence and Judiciary committees should continue and that any amendments to defund the program on appropriations bills would be unwise.

Via [Feinstein.senate.gov](http://feinstein.senate.gov)

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"We do not indiscriminately sweep up and store the contents of the communications of Americans, or of the citizenry of any country."

Robert Litt, General Counsel, Office of the Director of National Intelligence

July 19, 2013, during a speech given at the Brookings Institution

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Foreign Intelligence Surveillance Court Renews Authority to Collect Telephony Metadata

July 19, 2013

As indicated by a previously classified court order disclosed by the media on June 5, 2013, the Foreign Intelligence Surveillance Court authorization requiring the production of certain telephony metadata under the "business records" provision of the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. Section 1861, expires on July 19, 2013.

On June 6, 2013, the Director of National Intelligence declassified certain information about this telephony metadata collection program in order to provide the public with a more thorough and balanced understanding of the program. Consistent with his prior declassification decision and in light of the significant and continuing public interest in the telephony metadata collection program, the DNI has decided to declassify and disclose publicly that the Government filed an application with the Foreign Intelligence Surveillance Court seeking renewal of the authority to collect telephony metadata in bulk, and that the Court renewed that authority.

The Administration is undertaking a careful and thorough review of whether and to what extent additional information or documents pertaining to this program may be declassified, consistent with the protection of national security.

Via [DNI.gov](#)

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Clear and Present Danger: Cyber-Crime; Cyber-Espionage; Cyber-Terror; and Cyber-War

Remarks by General Keith Alexander, Director, National Security Agency (NSA) and Commander, United States Cyber Command, at the Aspen Security Forum

July 18, 2013

INTRODUCTION: Well, good evening, everyone. Welcome. For those of us who have spent the day at the Aspen Security Forum, I think that there is no better way to cap off a phenomenal day that was somewhat provocative, always educational. I certainly think I speak for all of us that we're better informed than we were 24 hours ago.

So as we come to this evening's event — "Cyber, the Clear and Present Danger: Cyberterror, Cybercrime, Cyberespionage and Cyberwar" — who better to inform us than General Keith Alexander, the director of our National Security Agency, and — (applause) — and commander of U.S. CYBERCOM?

He is the longest-serving NSA director, serving nearly twice as long as any predecessor. And in 2010, General Alexander, who was feeling a little bit bored by only having one 100-hour-a-week job — (laughter) — raised his hand for CYBERCOM as well. And so for the past decades and certainly the last eight years, he has led our nation's efforts in defense and understanding, and leads us into a robust discussion tonight about what the future holds.

I did a bit of study on the general, and I thought, when he testified in front of the Senate Appropriations Committee, he very concisely, as he does, summarized the enormity of our challenge. He said, "We operate in a dynamic and contested domain that literally changes its characteristics each and every time someone powers on a network device. Make no mistake, in light of real and growing threats in cyberspace, our nation needs a strong DOD role in cyberspace."

And on a more personal note, I don't know about you but I'm a little bit intimidated by General Alexander — two big jobs, four master's degrees — not all of his degrees, just four master's. He can tend to be an icon, so I decided I was going to do a little bit of study about who he was as a human, and I tell you, I was looking and looking and I didn't think I was going to be able to come up with anything. He's a superstar in all categories.

But I got to the point where in his confirmation hearings he was talking about his family. And the general has four daughters. I don't know when you had time for that. (Laughter.) And he has enough grandchildren to make all of us envious. But as he went through his confirmation testimony, he talked about his wife, Debbie, who grew up — they grew up together just two doors down. And he credited her not only for standing by him throughout his entire military career, but — and this is the human part — she occasionally lets him win at Yahtzee, OK? (Laughter.) So thank you, General, for taking time out of a spectacularly jammed schedule to join us.

Our moderator this evening, Pete Williams. Many of us have a date with Peter every night as we watch the news, but not everyone knows that he was previously assistant secretary of defense for public relations at the Pentagon, and since 1993 has been the correspondent covering the Supreme Court and the Justice Department.

So, General Alexander, welcome. And, Pete, the floor is yours. (Applause.)

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